

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Peter M. Bonutti

Examiner: TBA

Serial No.: 10/729,768

Group: Art Unit TBA

Filed: December 5, 2003

Docket: 2500 DIV II CON II DIV III CON V  
(203-3515 DIV II CON II DIV III CON V)

For: FLUID OPERATED  
RETRACTORS

Dated: March 3, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to applicant's continuing duty of disclosure, it is respectfully requested that the disclosures cited in the annexed Form PTO-1449 be considered by the Examiner and made of record in the above-identified application.

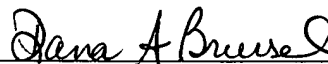
The references listed were previously cited and submitted in the parent application, U.S. Application Serial No. 10/662,923, filed September 15, 2003. In accordance with 37 C.F.R. §1.98(d) and 35 U.S.C. §120, copies of the references can be obtained in the above-identified application.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 3, 2004.

Dated: March 3, 2004

  
Dana A. Brussel

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

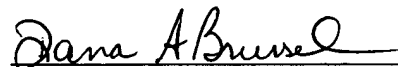
The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ☒ [X] This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ [ ] This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☐ [ ] To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ [ ] Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ [ ] Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).
- ☐ [ ] Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
- ☐ [ ] Please charge the \$130.00 petition fee to Deposit Account No. **50-2140**.

- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).
- ☐ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 50-2140.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 50-2140. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2140 therefor. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

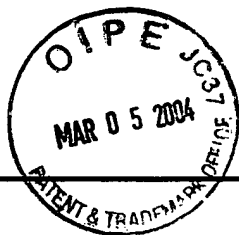
Respectfully submitted,



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DAB/jjp



Sheet

1 of

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Form PTO-1449

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number (Optional)

2500 DIV II CON II DIV III CON V (203-  
3515 DIV II CON II DIV III CON V)

Application Number

10/729,768

Applicant

Peter M. Bonutti

Filing Date

December 5, 2003

Group Art Number

TBA

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1,863,057	Jun., 1932	Innes			
	1,909,967	May., 1933	Jones			
	2,854,983	Oct., 1958	Baskin			
	2,936,760	May., 1960	Gants			
	3,039,468	Jun., 1962	Price			
	3,253,594	May., 1966	Matthews et al.			
	3,397,699	Aug., 1968	Kohl			
	3,417,745	Dec., 1968	Sheldon			
	3,459,175	Aug., 1969	Miller			
	3,495,586	Feb., 1970	Regenbogen			
	3,774,596	Nov., 1973	Cook			
	3,800,788	Apr., 1974	White			
	3,882,852	May., 1975	Sinnreich			
	3,915,171	Oct., 1975	Shermeta			
	4,077,412	Mar., 1978	Moossun			
	4,083,369	Apr., 1978	Sinnreich			
	4,177,814	Dec., 1979	Knepshield et al.			
	4,198,981	Apr., 1980	Sinnreich			
	4,230,119	Oct., 1980	Blum			
	4,295,464	Oct., 1981	Shihata			
	4,312,353	Jan., 1982	Shahbadian			
	4,447,227	May., 1984	Kotsanis			
	4,501,266	Feb., 1985	McDaniel			
	4,555,242	Nov., 1985	Saudagar			
	4,572,186	Feb., 1986	Gould et al.			
	4,585,000	Apr., 1986	Hershenson			

Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  (Use several sheets if necessary)	<b>Docket Number (Optional)</b> 2500 DIV II CON II DIV III CON V (203-3515 DIV II CON II DIV III CON V)		<b>Application Number</b> 10/729,768
	<b>Applicant</b> Peter M. Bonutti		
	<b>Filing Date</b> December 5, 2003		<b>Group Art Number</b> TBA

### U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	4,589,686	May., 1986	Dretler			
	4,608,965	Sep., 1986	Anspach, Jr. et al.			
	4,610,662	Sep., 1986	Weikl et al.			
	4,615,704	Oct., 1986	Frisch			
	4,651,717	Mar., 1987	Jakubczak			
	4,706,670	Nov., 1987	Andersen et al.			
	4,779,611	Oct., 1988	Grooters et al.			
	4,798,205	Jan., 1989	Bonomo et al.			
	4,800,901	Jan., 1989	Rosenberg			
	4,802,479	Feb., 1989	Haber et al.			
	4,861,334	Aug., 1989	Nawaz			
	4,875,468	Oct., 1989	Krauter et al.			
	4,899,729	Feb., 1990	Gill et al.			
	4,921,478	May., 1990	Solano et al.			
	4,927,412	May., 1990	Menasche			
	4,932,956	Jun., 1990	Reddy et al.			
	4,954,126	Sep., 1990	Wallsten			
	4,966,583	Oct., 1990	Debbas			
	4,984,564	Jan., 1991	Yuen			
	4,994,047	Feb., 1991	Walker et al.			
	4,998,539	Mar., 1991	Delsanti			
	5,002,557	Mar., 1991	Hasson			
	5,041,093	Aug., 1991	Chu			
	5,042,976	Aug., 1991	Ishitsu et al.			
	5,122,122	Jun., 1992	Allgood			
	5,163,949	Nov., 1992	Bonutti			
	5,514,091	May., 1996	Yoon			

<b>Examiner</b>	<b>Date Considered</b>
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		Applicant  Peter M. Bonutti				
		Filing Date December 5, 2003		Group Art Number TBA		
<b>U.S. PATENT DOCUMENTS</b>						
Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
<b>FOREIGN PATENT DOCUMENTS</b>						
	Document Number	Date	Country	Class	Subclass	Translation Yes    No
	2,580,504	Oct., 1986	FR			
	1,323,090	Jul., 1987	SU			
	594,960	Mar. 1978	SU			
<b>OTHER DOCUMENTS</b>						
Rafael Cinelli, M.D., "The Inflatable Silastic Bag: A Practical Device that Simplifies Augmentation Mammoplasty." From the Division of Plastic Surgery, Department of Surgery, at the Maimonides Medical Center and Medical Arts Center of New York.						
Bruce M. Rigg, M.D., "Inflatable Device for Intraoperative Use During Augmentation Mamaplasty."-- Reconstructive Surgery, May 1982.						
Gordon H. Sasaki, M.D., "Intraoperative Sustained Limited Expansion (ISLE) as an Immediate Reconstructive Technique." Clinics in Plastic Surgery--vol. 14, No. 3, Jul. 1987.						
Gordon H. Sasaki, M.D., "Intraoperative Expansion.TM. as an Immediate Reconstructive Technique." Facial Plastic Surgery, 5:4, Jul. 1988.						
Declaration of Bela S. Denes, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity.						
Declaration of John H. Payne, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity.						
Declaration of Rafael Cinelli, M.D., in Support of GSI's Opposition to Origin's Motion for Summary Judgment of Invalidity.						
Rebuttal Expert Report of John H. Payne, M.D.						
Rebuttal Expert Report of Rafael Cinelli, M.D.						
<b>Examiner</b>				<b>Date Considered</b>		
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<b>OTHER DOCUMENTS</b>		
Expert Report of Ernest K. Manders, M.D., executed date Dec. 1, 1997.		
Expert Report of Guy Voeller, M.D., executed date Dec. 1, 1997.		
Declaration of Guy Voeller in Support of Origin's Motion for Summary Judgment of Invalidity Sanchez et al., "Anclaje cervical endoscopico. Nuevo tratamiento para la incontinencia de esfuerzo." Arch. Esp. de urol., 41.2 (127-130), 1988--(English translation attached).		
Maxwell D18214, "Immediate Intraoperative Expansion in Augmentation Mammoplasty." (Videotape).		
"Nasal Reconstruction with the Rapidly Expanded Forehead Flap," Laryngoscope, 99:1096-1098, Henry T. Hoffman, M.D., and Shan H. Baker, M.D.		
Retroperitoneoscopy: A Preliminary Report, R. Wittmoser, pp. 760-761.		
Stress Incontinence: A New Endoscopic Approach, Dr. Sanchez de Badajoz Chamorro et al., Urology, vol. 36, No. 5, pp. 403-405.		
Order Denying Plaintiff General Surgical Innovations, Inc.'s Motion for Partial summary Judgment of Claim 3 or U.S. Patent No. 5,514,153.		
Declaration of Edward L. Felix, M.D., in Support of origin's Opposition to GSI's Motion for Partial Summary Judgment.		
Uretropexia Laparoscopia, Arch. Esp. de Urol. 46, 7 (642-644) 1993 (With English Translation).		
Urethropexia Laparoscopia Extraperitoneal, Arch. Esp. de Urol. 47.4 (415-418) 1994 (English Translation Attached).		
<b>Examiner</b>	<b>Date Considered</b>	
<b>Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.</b>		